

# PUBLIC HEALTH DEPARTMENT[641]

## Adopted and Filed

Pursuant to the authority of Iowa Code sections 144.3 and 144.46, the Department of Public Health hereby amends Chapter 95, "Vital Records: General Administration," Iowa Administrative Code.

The rules in Chapter 95 describe the general administration of vital records including definitions, fees, the handling of records, access to records, issuance of certified copies and confidentiality. These amendments increase certain fees related to vital records beginning January 1, 2014. These fees will revert back to current levels beginning July 1, 2019. The additional moneys generated by this time-limited fee increase will support the development and implementation of the Iowa Vital Events System. This includes the electronic registration and issuance of new events and the conversion of historical events into one system to manage the Civil Registry and health data collected and managed by the Department.

Notice of Intended Action was published in the August 7, 2013, Iowa Administrative Bulletin as **ARC 0926C**. A public hearing was held on August 27, 2013, with a conference call for the public to call in any comments. Comments received from the Iowa Funeral Directors Association were in opposition to the increase. No other comments were received. No action has been taken by the Department due to the sunset clause for the fee increase, and the fees will revert to the current amount on July 1, 2019. The adopted amendments are identical to those published under Notice.

The State Board of Health adopted these amendments on September 11, 2013.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 144.46 and 144.46A.

These amendments will become effective on January 1, 2014.

The following amendments are adopted.

ITEM 1. Amend subrule 95.6(1) as follows:

**95.6(1) Fees for services provided by state registrar or county registrar.** The following fees shall be charged and remitted for the various services provided by the state registrar or the county registrar.

a. The state registrar or county registrar, as applicable, shall charge a fee of ~~\$15~~ \$20 to conduct a search for a record. On and after July 1, 2019, this fee will revert to \$15.

(1) The search fee shall include one certified copy of the record.

(2) For each additional certified copy of the same record, a ~~\$15~~ \$20 fee shall be charged. On and after July 1, 2019, this fee will revert to \$15.

(3) If, following a search, no record is found, the ~~\$15~~ \$20 fee shall be retained. On and after July 1, 2019, this fee will revert to \$15.

b. The state registrar shall charge a fee of ~~\$15~~ \$20 to prepare an adoption certificate, to amend a certificate, to amend a certificate of live birth to reflect a legal change of name, to prepare a delayed certificate, to process other administrative or legal actions, or for the search and preparation of copies of supporting documents on file in the state registrar's office. On and after July 1, 2019, this fee will revert to \$15. No fee shall be charged for establishment of paternity.

c. and d. No change.

e. The state registrar shall charge a fee of ~~\$15~~ \$20 to amend an abstract or other legal documentation in support of the preparation of a new certificate. On and after July 1, 2019, this fee will revert to \$15.

f. No change.

g. The state registrar shall charge a fee of ~~\$15~~ \$20 to conduct a search for a certificate of fetal death for the purpose of issuing an uncertified copy of a certificate of birth resulting in stillbirth pursuant to ~~2012 Iowa Acts, House File 2368, section 4~~ Iowa Code section 144.31A. On and after July 1, 2019, this fee will revert to \$15.

ITEM 2. Amend subrule 95.6(2) as follows:

**95.6(2) *Overpayments.*** Any overpayment of less than ~~\$15~~ \$20 received by the state registrar for the copying of or search for vital records, or for the preparation or amending of a certificate, shall not be refunded. The state registrar shall retain the first ~~\$9~~ \$14 of any overpayment with any remaining amount to be deposited in the general fund of the state. On and after July 1, 2019, the overpayment amount will revert to \$15 and the amount retained by the state registrar will revert to \$9.

ITEM 3. Amend subrule 95.6(5) as follows:

**95.6(5) *Distribution of fees.***

*a.* All fees collected by the county registrar and the state registrar shall be distributed as follows:

(1) For fees collected by a county registrar, with the exception of the fee in subrule 95.6(4), the county registrar shall retain \$4 of each ~~\$15~~ \$20 fee collected by that office, ~~which~~. On and after July 1, 2019, this \$20 fee will revert to \$15. Fees collected shall be divided as follows:

1. For a birth certificate or a marriage certificate, the state registrar shall receive ~~\$8~~ \$13, and \$3 shall be deposited in the general fund of the state, except for the fee collected pursuant to paragraph 95.6(1) "*f.*" On and after July 1, 2019, the amount received by the state registrar will revert to \$8.

2. For a death certificate, the state registrar shall receive ~~\$6~~ \$11, the office of the state medical examiner shall receive \$3, and \$2 shall be deposited in the general fund of the state. On and after July 1, 2019, the amount received by the state registrar will revert to \$6.

(2) For fees collected by the state registrar, the state registrar shall retain all fees, with the exception of the fees in paragraph 95.6(1) "*a.*" of which the state registrar shall retain ~~\$9~~ \$14 of each ~~\$15~~ \$20 fee collected for the issuance of certified copies. On and after July 1, 2019, the fee collected will revert to \$15 and the amount retained by the state registrar will revert to \$9. The \$6 balance of certified copy fees collected by the state registrar shall be divided as follows:

1. For a birth certificate or a marriage certificate, \$6 shall be deposited in the general fund of the state.

2. For a death certificate, the office of the state medical examiner shall receive \$3, and \$3 shall be deposited in the general fund of the state.

*b.* All fees retained by the state registrar shall be added to the vital records fund established by the department pursuant to Iowa Code section 144.46A.

*c.* All fees received by the office of the state medical examiner shall be added to the operating budget established for the operation of that office.

[Filed 9/12/13, effective 1/1/14]

[Published 10/2/13]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/2/13.